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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/551,871	04/18/00	YOSHIDA	K 0020-4699P

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EXAMINER

HUNTER, A

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 10/26/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/551,871

Applicant(s)

YOSHIDA ET AL.

Examiner

Alvin A Hunter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☒ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: the word "higher" (p. 16, line 2) should be corrected to "lower", phrasing of "an aluminum" (p.19, line 19) should read "an aluminum ion", and the word "bock" (p. 21, line 6) should be corrected to "block".

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-3, and 5 are rejected under 35 U.S.C. 102(a) as being anticipated by Sugimoto et al. (USPN 6045459).

Sugimoto et al. discloses a multi-piece solid golf ball comprising of a core consisting of an inner core and an outer core and one layer of covering wherein the inner core has a diameter of 30 to 40.4 mm (drawing teaches having a diameter of 31 to 36 mm) and a surface hardness in JIS-C hardness of 60 to 85 and a center hardness lower than the surface hardness by 5 to 30 (drawing teaches that center hardness of the inner core is greater than the surface hardness of the inner core), and the outer core having a thickness of 0.2 to 1.3 mm (drawing teaches using an outer core thickness of 1.0 to 5.0 mm), and a

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surface hardness in JIS-C hardness of the outer core is lower than the surface hardness of the inner core by 2 to 30 (drawing teaches using surface hardness in JIS-C hardness of the outer core is lower than the inner core by 5 to 25).

Sugimoto et al. also discloses the outer core is formed from a rubber composition comprising polybutadiene, a co-crosslinking agent, an organic peroxide and a filler (see column 3, lines 7-59) wherein the co-crosslinking agent for the outer core is magnesium methacrylate (see column 3, lines 23-38).

Sugimoto et al. further discloses that the outermost layer of the cover has a thickness of 1.0 to 3.0 mm, and a surface thickness in Shore D hardness of 58 to 75 (Column 4, lines 22-36, teaches using the cover thickness of 1.0 to 4.0 mm and Shore D hardness of 55-75).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugimoto et al. (USPN 6045459) in view of Hayashi et al. (USPN 6117026).

Sugimoto et al. discloses the above to optimize rebound performance, shot feel, and flight performance but lacks the outer core having a thickness of 0.2 to 0.9 mm. Hayashi et al. discloses the outer core having a thickness of 0.2

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to 0.9 mm (column 3, lines 43-45, teaches using an outer core thickness of 0.7 to 2.8 mm) to optimize resilience and shot feel.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have an outer core thickness of 0.2 to 0.9 mm, optimizing resilience and shot feel properties, to make the golf ball more effective.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A Hunter whose telephone number is 703-306-5693. The examiner can normally be reached on Monday through Friday from 7:30AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeanette Chapman, can be reached on (703) 308-1310. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

  
JEANETTE CHAPMAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700